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SUBJECT: MP TEMUUIJIN DISCUSSES LEGAL REFORM IN MONGOLIA

Classified By: Political Chief Andrew K. Covington, Reasons 1.4 (b) and (d)

¶1. (C) Summary: Poloff met with Democratic Party (DP) MP Temuujin on August 14 to discuss the recent amnesty law and legal reform efforts in Mongolia. Temuujin was frank in his assessment of the legal reform environment, noting that reform efforts originating in Parliament rarely get out of committee and criticizing President Elbegdorj's choice of legal advisor. Temuujin, 38, is a lawyer and was a leading legal scholar at the National University of Mongolia prior to entering politics. He was elected to Parliament from the Bayangol District of Ulaanbaatar in June 2008. End Summary.

TEMUUIJIN ON LEGAL REFORM EFFORTS IN MONGOLIA

¶2. (C) Temuujin was eager to discuss legal reform in Mongolia with poloff. The motivated and soft-spoken MP offered critiques and expressed candid frustrations with the present state of affairs, while also suggesting remedies. With his audience in mind, Temuujin noted that many judges receive training through USAID, JICA, and other international partners and donor organizations and return to Mongolia with fresh ideas. However, Temuujin said the outdated Mongolian legal system limits the degree to which participants in such exchanges are able to leverage and implement what they have learned. He specified that much of the structure of the legal system has not evolved since the socialist era, meaning the system lacks the flexibility to absorb and pass on new ideas. Temuujin strongly believes the Mongolian legal system is still not sufficiently reformed and would therefore benefit more from trainer-training programs than from end-user training programs, so that ideas can more freely enter the system rather than be trapped with end-users unable to apply them.

¶3. (C) Temuujin has initiated several draft laws on judicial reform, in particular to make the judiciary more independent from both Parliament and the GOM, as well as to limit opportunities for corruption of judges. However, none of these drafts has gotten out of committee, leading Temuujin to believe that the better approach is to work with the Ministry of Justice and Home Affairs on reform of the system.

¶4. (SBU) Temuujin stated the legal system has to be more "horizontal," meaning there must be a true system of appeals, as opposed to the current "vertical" orientation, in which there is more of a "chain of command" from higher to lower courts.

¶5. (SBU) The MP comes from an academic background and is critical of the tendency, in his opinion, of foreign assistance programs to seek participants for exchange and training programs from within government bureaucracy (where he believes the knowledge is pigeonholed), as opposed to participants from academia that have a natural venue in which to impart what they have learned to the next generation of legal professionals. He noted there is often no venue for

those returning from exchange programs to share what they have learned with their colleagues. Moreover, he is concerned that certain colleagues (but not necessarily the majority) have a tendency to hoard knowledge as a leg up on competition within their organization.

¶6. (SBU) Temuujin noted the names of two Mongolian think tank NGOs involved in legal reform that he recommended as active and forward-leaning: the Open Academy and the "Libertar" Foundation. He said the two NGOs' board members are mostly younger teachers at several law schools in Ulaanbaatar, as opposed to the boards of other legal NGOs that often consist of established legal professionals with careers rooted firmly in the socialist era -- and therefore not inclined to push change.

ON THE AMNESTY LAW

¶7. (C) Regarding the July 1 unrest following the 2008 parliamentary elections, Temuujin believes many of those arrested were innocent bystanders in the wrong place at the wrong time and should have been released well before Parliament passed President Elbegdorj's amnesty law earlier this month. On the other hand, he also believes many government officials who misused their positions were incorrectly freed in the same stroke. (Note: In a subsequent conversation with the Independent Authority Against Corruption (IAAC), poloff confirmed that certain cases under IAAC investigation have been dismissed in accordance with the amnesty law, primarily because of the provision in the law that allowed certain first-time non-violent offenders to be pardoned. End Note.)

ON ELBEGDORJ'S LEGAL ADVISOR

¶8. (C) Temuujin has publicly commended Elbegdorj for taking a big political risk in proposing to reform the judiciary, but Temuujin was nonetheless frank during his conversation with poloff in expressing disappointment with Elbegdorj's selection of G. Ganzorig as Legal Advisor to the President. Ganzorig is a former Supreme Court Justice who left Mongolia in 1993 and subsequently spent 15 years in the United States pursuing a legal career. Ganzorig returned to Mongolia in July 2009 to fill this position at Elbegdorj's request. Temuujin believes Ganzorig will not prioritize legal reform efforts, despite what Temuujin sees as the Mongolian public's demand for deep-rooted reforms. Temuujin believes turnover of 70 to 80 percent of the Supreme Court Justices would be a good starting point for establishing an independent judiciary and for reducing corruption in general.

¶9. (C) As noted in para 3, Temuujin believes Parliament does not have the will to engage in legal reform at present and that the appointment of Ganzorig closes a channel for reform that could have been pursued through the office of the President of Mongolia. Specifically, Temuujin believes Ganzorig's interest lies more in helping his old boss, former Supreme Court Chief Justice Ganbat, get his old job back. Temuujin stated that replacing current Supreme Court Chief Justice Batdelger with Ganbat will mean swapping one non-reformer for another and would be part of a wider program to shift power from Batdelger and his supporters to the Ganbat faction within the Court. Note that both Batdelger and Ganbat are from the Mongolian People's Revolutionary Party (MPRP), and that Ganzorig has no party affiliation. Therefore, Ganzorig's interest in replacing Batdelger with Ganbat is more a matter of personal loyalty. Ganbat was instrumental in getting Ganzorig onto the Supreme Court and in facilitating Ganzorig's opportunities in the United States.

ON JOURNALISTS AND REFORM

¶10. (SBU) Temuujin stated that programs such as exchanges through the House Democracy Assistance Commission (HDAC), the Fulbright, and similar are very important, but that training for journalists who deal with legislative affairs (with a focus on ethics and professionalism) to be of equal importance and underrepresented in the exchange programs that the United States and other countries provide.

MINTON